

Bruce T. Beesley



Honorable Bruce T. Beesley
United States Bankruptcy Judge

Entered on Docket
February 15, 2013

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ELECTRONICALLY SUBMITTED ON
February 13, 2013

Attorneys for City of Tulsa

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re

CARL J. MORONY,

Debtor.

Case No.: BK-N-13-50230-BTB

[Originally Assigned
Case No. BK-S-13-10310-BAM/BTB]

Chapter: 11

**ORDER GRANTING MOTION TO
DETERMINE THE AUTOMATIC STAY
IS INAPPLICABLE OR FOR RELIEF
FROM AUTOMATIC STAY**

Hearing Date: 2/05/13
Hearing Time: 1:30 p.m.

On January 24, 2013, the City of Tulsa, Oklahoma ("City") moved for an order that the automatic stay under 11 U.S.C. § 362 in the case of Mr. Morony is inapplicable or is terminated as to the City's pursuit of its rights against the property known as S75 LT 3, BLK 137 TULSA-ORIGINAL TOWN in Tulsa County, Oklahoma, commonly known as 115 East Fifth Street in Tulsa, Oklahoma, and commonly referred to as the Tulsa Club Building (Ct. Dkt. #19, Case No. 13-10310; also subsequently designated by the Court Clerk at Ct. Dkt. #19, Case No. 13-50230). The City also filed the supporting declaration of Robert R. Edmiston (Ct. Dkt. #28, Case No. 13-10310; also subsequently designated by the Court Clerk at Ct. Dkt. #28, Case No. 13-50230).

1 On January 28, 2013, the U.S. Bankruptcy Court granted the City's motion to hear the matter
2 on shortened time, set a briefing schedule, and set the hearing for the date and time above. No other
3 briefs were filed with the Court.

4 The matter was called as scheduled on February 5, 2013, the Hon. Bruce T. Beesley
5 presiding. Appearances were made for Debtor by Timothy P. Thomas, Esq., of the Law Office of
6 Timothy P. Thomas, LLC, and for the City by Louis M. Bubala III, Esq., of Armstrong Teasdale,
7 LLP. The Court, having considered the record in the case and the arguments of counsel, pursuant to
8 Federal Rule of Civil Procedure 52 made applicable by Federal Rule of Bankruptcy Procedure 7052,
9 and good cause appearing, **GRANTED** the motion.

10 For the reasons stated in briefing and argument under 11 U.S.C. §§ 362(d)(1), 362(d)(2) and
11 362(d)(4)(A), the bankruptcy automatic stay of 11 U.S.C. § 362 is terminated and the City may
12 enforce its rights against the Tulsa Club Building.

13 The Court further ordered that its termination of the automatic stay under Section 362 of Title
14 11 of the U.S. Judicial Code shall be applied in rem, such that if this order is recorded and any other
15 bankruptcy case is filed implicating the Tulsa Club Building not later than two years after the date of
16 the entry of this order, the automatic stay in any other bankruptcy case shall not apply to stop a
17 sheriff's sale or other exercise of the City's rights against the Tulsa Club Property, absent a separate
18 court order reinstating the automatic stay, as provided for by Section 362(b)(20) and Section
19 362(d)(4) of Title 11 of the U.S. Judicial Code.

20 The stay of this order is waived under Federal Rule of Bankruptcy Procedure 4001(a)(3).

21 The Court further notes that Mr. Morony filed a bankruptcy petition last year for his entity,
22 Shamrock Asset Holdings, LLC. The case was assigned to Judge Beesley in Reno in the unofficial
23 Northern Division of the district. When Mr. Morony filed his personal bankruptcy petition this year,
24 his case was originally assigned to Judge Markell in Las Vegas as Case No. 13-10310 to be
25 administered in the unofficial Southern Division of the District of Nevada. Based on the relation
26 between the bankruptcy cases for Shamrock Asset Holdings, LLC, and Mr. Morony, Judge Markell
27 ordered Mr. Morony's case to be reassigned to Judge Beesley in Reno to be administered the
28 unofficial Northern Division of the District of Nevada (Ct. Dkt. #16, Case No. 13-10310).

The hearing on the City of Tulsa's motion on February 5, 2013, was conducted under the original case number, 13-10310. Subsequent to that hearing, the Court Clerk assigned Mr. Morony's case a new case number, 13-50230, based on the reassignment of the case to the unofficial Northern Division, and closed the original case number, 13-10310. This order terminating the automatic stay in favor of the City of Tulsa as to the Tulsa Club Building in Mr. Morony's bankruptcy case is effective as to both case numbers, 13-10310 and 13-50230.

IT IS SO ORDERED

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In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

☐ The court has waived the requirement set forth in LR 9021(b)(1).

☐ No party appeared at the hearing or filed an objection to the motion.

☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:

<u>Party</u>	<u>Delivery</u>	<u>Response</u>
T. Thomas, Debtor	Email, 2/13/13	Approved Disapproved

☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

Submitted By

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